

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Omar Rashid Singleton, # 97618,)	
a/k/a Omar R. Singleton, a/k/a Omar)	C/A No. 8:09-0550-MBS
Singleton,)	
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
Lt. J. Fogle,)	
)	
Defendant.)	
_____)	

Plaintiff Omar Rashid Singleton is a pretrial detainee who currently is confined at the Alvin S. Glenn Detention Center in Columbia, South Carolina. Plaintiff, proceeding pro se, filed a complaint on March 10, 2009, asserting that his constitutional rights have been violated. He brings this action pursuant to 42 U.S.C. § 1983.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Bruce H. Hendricks for pretrial handling. On December 10, 2009, the Magistrate Judge issued a Report and Recommendation in which she noted that Defendant J. Fogle filed a motion for summary judgment on September 29, 2009. By order filed September 30, 2009, pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), Plaintiff was advised of the summary judgment procedures and the possible consequences if he failed to respond adequately. Plaintiff did not respond to the summary judgment motion. The Magistrate Judge further noted that on November 9, 2009, an order was issued granting Plaintiff until December 2, 2009 to file his response to the summary judgment motion. Plaintiff was advised that if he failed to respond, the action would be subject to dismissal with prejudice for failure to prosecute. Fed. R. Civ. P. 41(b).

Plaintiff still did not respond. Accordingly, the Magistrate Judge recommended that the action be dismissed with prejudice for lack of prosecution. Plaintiff filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has carefully reviewed the record and concurs in the recommendation of the Magistrate Judge. Accordingly, Plaintiff's complaint is dismissed, with prejudice, for failure to prosecute, in accordance with Rule 41(b).

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

January 12, 2010.

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.